

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK**

IVAN ANTONYUK; COREY JOHNSON;
ALFRED TERRILLE; JOSEPH MANN;
LESLIE LEMAN; and LAWRENCE SLOANE,

Plaintiffs,

v.

KATHLEEN HOCHUL, in her Official Capacity as Governor of the State of New York; KEVIN P. BRUEN, in his Official Capacity as Superintendent of the New York State Police; JUDGE MATTHEW J. DORAN, in his Official Capacity as Licensing-Official of Onondaga County; WILLIAM FITZPATRICK, in his Official Capacity as the Onondaga County District Attorney; EUGENE CONWAY, in his Official Capacity as the Sheriff of Onondaga County; JOSEPH CECILE, in his Official Capacity as the Chief of Police of Syracuse; P. DAVID SOARES, in his Official Capacity as the District Attorney of Albany County; GREGORY OAKES, in his Official Capacity as the District Attorney of Oswego County; DON HILTON, in his Official Capacity as the Sheriff of Oswego County; and JOSEPH STANZIONE, in his Official Capacity as the District Attorney of Greene County,

Defendants.

Civil Action No. 1:22-CV-986 (GTS/CFH)

NOTICE OF MOTION TO DISMISS

PLEASE TAKE NOTICE that, upon the Declaration of Edward G. Melvin, II, Esq., dated October 13, 2022, and the exhibits annexed thereto, and the accompanying memorandum of law, dated October 13, 2022, Defendants Gregory Oakes, in his Official Capacity as the District Attorney of Oswego County, and Defendant Don Hilton, in his Official Capacity as the Sheriff of

Oswego County, by and through their attorneys, Barclay Damon LLP, will move this Court before the Honorable Glenn T. Suddaby, United States District Judge, at the United States District Courthouse for the Northern District of New York, located at 100 S. Clinton Street, Syracuse, New York 13261, on such date and at such time as may be set by the Court, for an Order pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure granting dismissal of the claims and relief requested in the Complaint by Plaintiff Joseph Mann in their entirety with prejudice, and granting such other and further relief as this Court deems just and proper.

DATED: October 13, 2022

BARCLAY DAMON, LLP

By: /s/ Edward G. Melvin, II
Edward G. Melvin, II
(Bar Roll No. 509037)
J.J. Pelligra
(Bar Roll No. 701404)

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*Attorneys for Defendants
Gregory Oakes and Don Hilton*

CERTIFICATE OF SERVICE

I certify that on October 13, 2022, I electronically filed the foregoing motion to dismiss using the CM/ECF system, which sent electronic or other notification of such filing to all counsel of record in this case.

A handwritten signature in black ink, appearing to read "C. P. Kelly", is written above a solid horizontal line.